

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred House Bill 1151, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

1 Page 2, between lines 9 and 10, begin a new paragraph and insert:
 2 "SECTION 2. IC 3-11-4-2, AS AMENDED BY P.L.126-2002,
 3 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee
 5 ballot must apply to the county election board for an official absentee
 6 ballot. **Except as provided in subsection (b), the voter must sign the**
 7 **absentee ballot application.**
 8 (b) **If a voter with disabilities is unable to sign the absentee**
 9 **ballot application and the voter has not designated an individual**
 10 **to serve as attorney in fact for the voter, the county election**
 11 **board may designate an individual to sign the application on behalf**
 12 **of the voter.** If an individual applies for an absentee ballot as the
 13 properly authorized attorney in fact for a voter, the attorney in fact

1 must attach a copy of the power of attorney to the application.

2 (c) A person who assists an individual in completing an
3 absentee ballot application shall state the following information on
4 the application:

5 (1) The full name, residence and mailing address, and
6 daytime and evening telephone numbers (if any) of the
7 individual submitting the application.

8 (2) The date and location at which this assistance was
9 provided.

10 (3) That the individual has no knowledge or reason to believe
11 that the individual submitting the application:

12 (A) is ineligible to vote or ineligible to cast an absentee
13 ballot; or

14 (B) did not properly complete and sign the application.

15 (d) A person who receives a completed absentee ballot
16 application from the individual who has applied for the absentee
17 ballot shall file the application with the appropriate county
18 election board not later than:

19 (1) noon seven (7) days after the individual receives the
20 application; or

21 (2) the deadline set by Indiana law for filing the application
22 with the board;

23 whichever occurs first.

24 (e) An individual filing an absentee ballot application received
25 from another individual must sign an affidavit at the time of filing
26 the application. The affidavit must be in a form prescribed by the
27 commission. The form must include the following:

28 (1) A statement of the full name, residence and mailing
29 address, and daytime and evening telephone numbers (if any)
30 of the individual submitting the application.

31 (2) A statement that the individual filing the affidavit has
32 complied with the Indiana laws governing the submission of
33 absentee ballot applications.

34 (3) A statement that the individual has no knowledge or
35 reason to believe that the individual whose application is to

1 **be filed:**

2 **(A) is ineligible to vote or to cast an absentee ballot; or**

3 **(B) did not properly complete and sign the application.**

4 **(4) A statement that the individual is executing the affidavit**
5 **under the penalties of perjury.**

6 **(5) A statement setting forth the penalties for perjury.**

7 **(f) The county election board shall record the date and time of**
8 **the filing of the affidavit and provide the individual with a file**
9 **stamped copy of the affidavit without collecting any copying fee.**

10 SECTION 3. IC 3-11-4-5.1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) The
12 commission shall prescribe the form of an application for an absentee
13 ballot.

14 **(b) This subsection does not apply to the form for an absentee**
15 **ballot application to be submitted by an absent uniformed services**
16 **voter or overseas voter which contains a standardized oath for**
17 **those voters. The form of the application for an absentee ballot**
18 **must:**

19 **(1) require the applicant to swear to or affirm under the**
20 **penalties of perjury that all the information set forth on the**
21 **application is true to the best of the applicant's knowledge**
22 **and belief;**

23 **(2) require a person who assisted with the completion of the**
24 **application to swear to or affirm under the penalties of**
25 **perjury the statements set forth in section 2(c) of this**
26 **chapter; and**

27 **(3) set forth the penalties for perjury.**

28 **(c) The form prescribed by the commission shall require that a voter**
29 **who:**

30 **(1) requests an absentee ballot; and**

31 **(2) is eligible to vote in the precinct under IC 3-10-11 or**
32 **IC 3-10-12;**

33 must include the affidavit required by IC 3-10-11 or a written
34 affirmation described in IC 3-10-12.

35 SECTION 4. IC 3-11-4-17.5, AS AMENDED BY P.L.209-2003,
36 SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board **(or the absentee voter board in the office of the circuit court clerk)** shall determine if:

(1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;

(2) the information set forth on the application appears to be true; and

(3) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (3), the issue shall be referred to the county election board for determination. The members of the absentee voter board or the county election board may compare the voter's signature on the application with the voter's signature on the voter's registration record to make a determination under this subsection.

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or if

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with ~~this chapter~~, **Indiana or federal law;**

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

~~(b)~~ (c) This subsection applies ~~after December 31, 2003~~, to an absentee ballot application submitted by an absent uniformed services voter or an overseas voter. In accordance with 42 U.S.C. 1973ff-1(d), if the application is denied, the county election board shall provide the voter with the reasons for the denial of the application. Unless the voter is present when the board denies the application, the board shall send a written notice stating the reasons for the denial to the voter. The notice must be sent:

(1) not later than forty-eight (48) hours after the application is

denied; and

(2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

~~(c) This subsection applies after December 31, 2003.~~

(d) If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

(1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and

(2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

~~(d)~~ (e) If the applicant:

(1) is a voter of the precinct according to the registration record;

(2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and

(3) after December 31, 2005, provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter."

Page 3, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 6. IC 3-11-4-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18.5. (a) Upon receipt of an absentee ballot application, a member of the county election board or a member of an absentee voter board may file an affidavit with the county**

election board alleging that the application:

- (1) is not submitted by a voter of the precinct;
- (2) contains a false statement; or
- (3) has not been executed or filed in accordance with Indiana or federal law.

(b) The affidavit must be in a form prescribed by the commission and state the following:

- (1) The name and title of the individual filing the affidavit.
- (2) A brief statement of the facts known or believed by the individual regarding why:
 - (A) the applicant is not a voter of the precinct;
 - (B) the application contains a false statement; or
 - (C) the application has not been executed or filed in accordance with Indiana or federal law.
- (3) That the individual is executing the affidavit under the penalties of perjury.
- (4) The penalties for perjury.

(c) Upon the filing of the affidavit, the approval or denial of the application shall be referred to the county election board, which shall promptly conduct a hearing on the matter.

(d) The county election board may act under IC 3-6-5-31 to refer the matter to the appropriate prosecuting attorney.

SECTION 7. IC 3-11-4-21, AS AMENDED BY P.L.209-2003, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) On the other side of the envelope required by section 20 of this chapter shall be printed an affidavit in conformity with 42 U.S.C. 1973ff-1(b), providing that the voter affirms under penalty of perjury that the following information is true:

- (1) The name of the precinct and township (or ward and city or town).
- (2) That the voter is:
 - (A) a resident of; or
 - (B) entitled under IC 3-10-11 or IC 3-10-12 to vote in; the precinct.
- (3) The voter's complete residence address, including the name of the city or town and county.

(4) That the voter is entitled to vote in the precinct, the type of election to be held, and the date of the election.

(5) That:

(A) the voter has personally marked the enclosed ballot or ballots in secret and has enclosed them in this envelope and sealed them without exhibiting them to any other person;

(B) the voter personally marked the enclosed ballot or ballots, enclosed them in this envelope, and sealed them with the assistance of an individual whose name is listed on the envelope and who affirms under penalty of perjury that the voter was not coerced or improperly influenced by the individual assisting the voter or any other person, in a manner prohibited by state or federal law, to cast the ballot for or against any candidate, political party, or public question; or

(C) as the properly authorized attorney in fact for the undersigned under IC 30-5-5-14, the attorney in fact affirms the voter personally marked the enclosed ballot or ballots in secret and enclosed them in this envelope and sealed them without exhibiting them to the attorney in fact or to any other person.

(6) The date and the voter's signature.

(b) If the affidavit is signed by an attorney in fact, the name of the attorney in fact must be indicated.

(c) A guardian or conservator of an individual may not sign an affidavit for the individual under this section unless the guardian or conservator also holds a power of attorney authorizing the guardian or conservator to sign the affidavit.

(d) The side of the envelope containing this affidavit must also set forth the penalties for perjury."

Page 4, between lines 20 and 21, begin a new paragraph and insert:

"(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose. The voter shall then deposit the sealed envelope in the United States mail for delivery to the county election board or may authorize a member of the voter's household or the individual designated as the voter's attorney in fact to deposit the

1 **envelope in the United States mail."**

2 Page 4, line 21, strike "(c)" and insert "(d)".

3 Page 4, after line 25 begin a new paragraph and insert:

4 "SECTION 9. IC 3-11-10-25, AS AMENDED BY P.L.209-2003,
5 SECTION 146, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 25. (a) A voter who votes by absentee ballot
7 because of:

8 (1) illness or injury; or

9 (2) caring for a confined person at a private residence;

10 and who is within the county on election day may vote before an
11 absentee voter board or by mail.

12 (b) If requested by a voter described in subsection (a) or by a voter
13 with disabilities whose precinct is not accessible to voters with
14 disabilities, an absentee voter board shall visit the voter's place of
15 confinement, the residence of the voter with disabilities, or the private
16 residence:

17 (1) during the regular office hours of the circuit court clerk;

18 (2) at a time agreed to by the board and the voter;

19 (3) on any of the twelve (12) days immediately before election
20 day; and

21 (4) only once before an election, unless:

22 (A) the confined voter is unavailable at the time of the board's
23 first visit due to a medical emergency; or

24 (B) the board, in its discretion, decides to make an additional
25 visit.

26 (c) This subsection applies to a voter confined due to illness or
27 injury. An absentee voter board may not be denied access to the voter's
28 place of confinement if the board is present at the place of confinement
29 at a time:

30 (1) agreed to by the board and the voter; and

31 (2) during the regular office hours of the circuit court clerk. A
32 person who knowingly violates this subsection commits
33 obstruction or interference with an election officer in the
34 discharge of the officer's duty, a violation of IC 3-14-3-4.

35 (d) The county election board, by unanimous vote of the board's
36 entire membership, may authorize an absentee voter board to visit a
37 voter who is confined due to illness or injury and will be outside of the

1 county on election day in accordance with the procedures set forth in
2 subsection (b).

3 (e) This subsection applies after December 31, 2005. As provided
4 by 42 U.S.C. 15481, a voter casting an absentee ballot under this
5 section must be:

6 (1) permitted to verify in a private and independent manner the
7 votes selected by the voter before the ballot is cast and counted;
8 (2) provided with the opportunity to change the ballot or correct
9 any error in a private and independent manner before the ballot is
10 cast and counted, including the opportunity to receive a
11 replacement ballot if the voter is otherwise unable to change or
12 correct the ballot; and

13 (3) notified before the ballot is cast regarding the effect of casting
14 multiple votes for the office and provided an opportunity to
15 correct the ballot before the ballot is cast and counted.

16 (f) This subsection applies after December 31, 2005. As provided by
17 42 U.S.C. 15481, when an absentee ballot is provided under this
18 section, the board must also provide the voter with:

19 (1) information concerning the effect of casting multiple votes for
20 an office; and

21 (2) instructions on how to correct the ballot before the ballot is
22 cast and counted, including the issuance of replacement ballots.

23 **(g) This subsection applies to a voter who applies to vote an**
24 **absentee ballot by mail. The county election board shall include a**
25 **copy of the Absentee Voter's Bill of Rights with any absentee**
26 **ballot mailed to the voter. The Absentee Voter's Bill of Rights**
27 **must be in a form prescribed by the commission and include the**
28 **following:**

29 **(1) A statement summarizing the rights and responsibilities**
30 **of the voter when casting and returning the absentee ballot.**

31 **(2) A summary of Indiana and federal laws concerning**
32 **providing assistance to the voter, completion of the ballot in**
33 **secret, the intimidation of voters, and the return of the**
34 **absentee ballot to the county election board.**

35 **(3) Information concerning how to report violations of the**
36 **absentee ballot and election laws.**

SECTION 10. IC 3-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. A person who recklessly writes the name of a voter on an affidavit of registration without being personally acquainted with the voter and knowing the voter to be the person who the voter represents the voter to be commits a ~~Class A misdemeanor~~. knowingly does any of the following commits a Class D felony:

(1) Conspires with an individual for the purpose of encouraging the individual to submit a false application for registration.

(2) Conspires with an individual for the purpose of encouraging the individual to vote illegally.

(3) Pays or offers to pay an individual for doing any of the following:

(A) Applying for an absentee ballot.

(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Voting.

(4) Accepts the payment of any property for doing any of the following:

(A) Applying for an absentee ballot.

(B) Casting an absentee ballot.

(C) Registering to vote.

(D) Voting.

SECTION 11. IC 3-14-2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. A person who does either of the following, knowing that an individual is ineligible to register to vote or to vote, commits absentee ballot fraud, a Class D felony:

(1) Solicits the individual to complete an absentee ballot application.

(2) Solicits the individual to submit an absentee ballot application to a county election board.

SECTION 12. IC 3-14-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A person who:

(1) subscribes the name of another person to an affidavit of

1 registration **or application for an absentee ballot** knowing that
 2 the application contains a false statement; or
 3 (2) subscribes the name of another person to an affidavit of
 4 registration **or application for an absentee ballot** without writing
 5 on it the person's own name and address as an attesting witness;
 6 commits a ~~Class A misdemeanor~~ **Class D felony**.

7 SECTION 13. IC 3-14-2-5 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a) A person**
 9 **who recklessly destroys or fails to deliver an absentee ballot**
 10 **application to the proper officer after the application has been**
 11 **executed in accordance with IC 3-11-4 commits a Class A**
 12 **misdemeanor.**

13 **(b)** A person who recklessly destroys or fails to file or deliver to the
 14 proper officer a registration affidavit or form of registration after ~~it~~ **the**
 15 **affidavit or form** has been executed commits a Class A misdemeanor.

16 SECTION 14. IC 3-14-2-13 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. A person who
 18 knowingly hires or solicits another person

19 ~~(1) to come into Indiana; or~~

20 ~~(2) to go from one precinct into another a precinct~~

21 for the purpose of voting at an election **at the precinct** when the
 22 person hired or solicited is not a voter in ~~Indiana~~ **or** the precinct
 23 commits a Class D felony.

24 SECTION 15. IC 3-14-2-15 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. A member of the
 26 commission, an employee **or agent** of the ~~commission~~ **election**
 27 **division**, or a member, **an employee, or an agent** of a county election
 28 board who knowingly delivers a ballot to a person except in the manner
 29 prescribed by this title commits a Class D felony.

30 SECTION 16. IC 3-14-2-16, AS AMENDED BY P.L.38-1999,
 31 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 UPON PASSAGE]: Sec. 16. A person who knowingly does any of the
 33 following commits a Class D felony:

34 (1) Applies for or receives a ballot in a precinct other than that
 35 precinct in which the person is entitled to vote.

36 (2) Except when receiving assistance under IC 3-11-9, shows a

1 ballot after it is marked to another person in such a way as to
 2 reveal the contents of it or the name of a candidate for whom the
 3 person has voted.

4 (3) Except when offering assistance requested by a voter in
 5 accordance with IC 3-11-9, examines a ballot that a voter has
 6 prepared for voting or solicits the voter to show the ballot.

7 (4) Receives from a voter a ballot prepared by the voter for
 8 voting, except:

9 (A) the inspector;

10 (B) a member of the precinct election board temporarily acting
 11 for the inspector;

12 (C) a member of a county election board or an absentee voter
 13 board acting under IC 3-11-10; or

14 (D) a member of the voter's household or an individual
 15 designated as attorney in fact for the voter, **or an employee of**
 16 **the United States Postal Service**, when delivering an
 17 envelope containing an absentee ballot under IC 3-11-10-1.

18 (5) Receives a ballot from a person other than one of the poll
 19 clerks or authorized assistant poll clerks.

20 (6) Delivers a ballot to a voter to be voted, unless the person is:

21 (A) a poll clerk or authorized assistant poll clerk; or

22 (B) a member of a county election board or an absentee voter
 23 board acting under IC 3-11-10.

24 (7) Delivers a ballot (other than an absentee ballot) to an inspector
 25 that is not the ballot the voter receives from the poll clerk or
 26 assistant poll clerk.

27 (8) Delivers an absentee ballot to a team of absentee ballot
 28 counters appointed under IC 3-11.5-4-22, a county election board,
 29 a circuit court clerk, or an absentee voting board under
 30 IC 3-11-10 that is not the ballot cast by the absentee voter.

31 **(9) Delivers an absentee ballot prepared by the voter for**
 32 **voting to a county election board, except for:**

33 **(A) the inspector;**

34 **(B) a member of the precinct election board temporarily**
 35 **acting for the inspector;**

36 **(C) a member of a county election board or an absentee**
 37 **voter board acting under IC 3-11-10; or**

(D) a member of the voter's household or an individual designated as attorney in fact for the voter, or an employee of the United States Postal Service, when mailing an envelope containing an absentee ballot under IC 3-11-10-1.

(10) Possesses an unmarked absentee ballot, unless the person is authorized to possess the absentee ballot under this title as any of the following:

(A) A printer.

(B) A county election board member.

(C) An absentee voter board member.

(D) An employee of the United States Postal Service when delivering an envelope containing an absentee ballot.

(E) An individual authorized to deliver an absentee ballot in a sealed envelope under IC 3-11-10-24.

(F) An absentee ballot counter under IC 3-11.5.

(G) A provisional ballot counter.

(H) A precinct election officer.

(I) The voter who applied for the absentee ballot.

(11) Completes or signs an absentee ballot application for a voter, or assists a voter in completing an absentee ballot application in violation of IC 3-11.

SECTION 17. IC 3-14-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. A voter who knowingly:

(1) does anything to enable any other person to see or know for what ticket, candidates, or public questions the voter has voted on a voting ~~machine~~; **system**; or

(2) moves into a position, or does any other thing, to enable the voter to see or know for what ticket, candidates, or public questions any other voter votes on a voting ~~machine~~; **system**;

commits a Class D felony.

SECTION 18. IC 3-14-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. A person who:

(1) takes a ballot legally deposited out of a ballot box **or out of a voting system** for the purpose of destroying ~~it~~ **the ballot** or

1 substituting another **ballot** in its place;

2 (2) destroys or misplaces a ballot with the intent to substitute
3 another ballot for it or with the intent to prevent it from being
4 counted; or

5 (3) knowingly enters upon the poll books the name of a person
6 who has not legally voted or knowingly tallies a vote for a
7 candidate or on a public question not voted for by the ballot;

8 commits a Class D felony.

9 SECTION 19. IC 3-14-2-26 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. A person who:

11 (1) during the progress of an election or within the time for
12 preparation required under this title, knowingly breaks open or
13 violates the seal or lock of a ballot box, envelope, container, ~~or~~
14 bag, **or voting system component** in which ballots have been
15 deposited;

16 (2) knowingly obtains a ballot box, envelope, container, ~~or~~ bag, **or**
17 **voting system component** that contains ballots and cancels,
18 withholds, or destroys a ballot;

19 (3) knowingly increases or decreases the number of ballots legally
20 deposited in a ballot box, envelope, container, ~~or~~ bag, **or voting**
21 **system component; or**

22 (4) knowingly makes a fraudulent erasure or alteration on a tally
23 sheet, poll book, list of voters, or election return deposited in a
24 ballot box, envelope, ~~or~~ bag, **or voting system component;**

25 commits a Class D felony.

26 SECTION 20. IC 3-14-2-29 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. A person who
28 knowingly inspects a ~~voting machine or electronic~~ voting system under
29 IC 3-12-4-18 without obtaining authorization from the state recount
30 commission to conduct the inspection commits a Class D felony.

31 SECTION 21. IC 3-14-3-1.5 IS ADDED TO THE INDIANA CODE
32 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
33 PASSAGE]: **Sec. 1.5. A person who knowingly does any of the**
34 **following commits a Class D felony:**

35 **(1) Procures or submits voter registration applications known**
36 **by the person to be materially false, fictitious, or fraudulent.**

(2) Procures, casts, or tabulates ballots known by the person to be materially false, fictitious, or fraudulent.

SECTION 22. IC 3-14-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. An inspector or poll clerk in a precinct who, for the purpose of:

- (1) deceiving a voter;
- (2) causing it to be doubtful for what ticket, candidate, or public question a vote is cast; or
- (3) causing it to appear that votes cast for one ticket, candidate, or public question were cast for another ticket, candidate, or public question;

removes, changes, or mutilates ~~a ballot label on~~ a voting ~~machine~~ **system** or any part ~~thereof of a voting system~~ commits a Class D felony.

SECTION 23. IC 3-14-3-16, AS AMENDED BY P.L.66-2003, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual.

(b) A person who knowingly does any electioneering:

(1) on election day within:

(A) the polls; or

~~(B) fifty (50) feet of the entrance to the polls; or~~

(B) the chute;

(2) within an area in the office of the circuit court clerk used by an absentee voter board to permit an individual to cast an absentee ballot; **or**

(3) in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law;

commits a Class A misdemeanor.

SECTION 24. IC 3-14-3-18, AS AMENDED BY P.L.176-1999, SECTION 118, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) As used in this section, "candidate" includes an individual whom the person knows is considering becoming

1 a candidate.

2 (b) A person who, for the purpose of influencing a voter or
3 candidate, **does any of the following commits a Class D felony:**

4 (1) Seeks to enforce the payment of a debt by force or threat of
5 force.

6 (2) Ejects or threatens to eject the voter or candidate from a house
7 the voter or candidate occupies.

8 (3) Begins a criminal prosecution. ~~or~~

9 (4) Damages the business or trade of the voter or candidate.

10 ~~commits a Class D felony:~~

11 **(5) Communicates a threat to commit a forcible felony (as**
12 **defined in IC 35-41-1-11) against a voter or a candidate with**
13 **the intent that the voter or candidate:**

14 **(A) engage in conduct against the voter's or candidate's**
15 **will; or**

16 **(B) be placed in fear of retaliation for a prior lawful act as**
17 **a voter or a candidate.**

18 SECTION 25. IC 3-14-3-19 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. A person who,
20 for the purpose of inducing or procuring another person to:

21 **(1) cast an absentee ballot; or**

22 **(2) vote or refrain from voting for or against a candidate or for or**
23 **against a public question at an election or political convention;**
24 **gives, offers, or promises to any person any money or other property**
25 **commits a Class D felony.**

26 SECTION 26. IC 3-14-3-20 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. A person who,
28 for the purpose of inducing or procuring a voter to:

29 **(1) cast an absentee ballot; or**

30 **(2) vote or refrain from voting for or against a candidate or for or**
31 **against a public question at an election or political convention;**
32 **receives, accepts, requests, or solicits from any person any money or**
33 **other property commits a Class D felony.**

34 SECTION 27. IC 3-14-3-21.5 IS ADDED TO THE INDIANA
35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: **Sec. 21.5. A person who knowingly or**

intentionally intimidates, threatens, or coerces an individual for:

(1) voting or attempting to vote; or

(2) exercising any power or duty under this title concerning registration or voting;

commits voter intimidation, a Class D felony.

SECTION 28. IC 3-14-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section applies during an election whenever a voter makes an affidavit before the inspector in a precinct that a person who has voted is an illegal voter in the precinct.

(b) Immediately after the close of the polls the inspector shall deliver the affidavit to the **county election board for delivery by the** prosecuting attorney for the county ~~who~~ **to the grand jury under section 2 of this chapter. The prosecuting attorney for the county** shall:

(1) proceed as if the affidavit had been made before the prosecuting attorney; and

(2) ~~notify~~ **ensure that the grand jury notifies** the NVRA official **under section 2 of this chapter** if a violation of NVRA appears to have occurred.

SECTION 29. IC 3-14-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each precinct election board shall, at the close of the polls, place all affidavits prescribed by this title for use on election day to determine the eligibility of a precinct election officer (or a person who wishes to cast a ballot) in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

(b) The inspector and judge of the opposite political party shall deliver the **sealed** bag or envelope to the county election board. ~~whose duty it is to~~ **The county election board shall do the following:**

(1) Remove the affidavits from the bag or envelope.

(2) Mail a copy of each affidavit to the secretary of state.

(3) Replace the affidavits within the bag or envelope.

(4) Reseal the bag or envelope with the endorsement of the name of each county election board member on the back of the bag or envelope.

1 (5) Carefully preserve ~~it~~ **the resealed bag or envelope** and
 2 deliver it, with the **county election board's** seal unbroken, to the
 3 foreman of the grand jury when next in session.

4 (c) The grand jury shall inquire into the truth or falsity of the
 5 affidavits, and the court having jurisdiction over the grand jury shall
 6 specially charge the jury as to its duties under this section.

7 (d) The grand jury shall file a report of the result of its inquiry with:

8 (1) the court; and

9 (2) the NVRA official if a violation of NVRA appears to have
 10 occurred.

11 SECTION 30. IC 35-44-1-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person who:

13 (1) confers, offers, or agrees to confer on a public servant, either
 14 before or after the public servant becomes appointed, elected, or
 15 qualified, any property except property the public servant is
 16 authorized by law to accept, with intent to control the
 17 performance of an act related to the employment or function of
 18 the public servant;

19 (2) being a public servant, solicits, accepts, or agrees to accept,
 20 either before or after ~~he~~ **the person** becomes appointed, elected,
 21 or qualified, any property, except property ~~he~~ **the person** is
 22 authorized by law to accept, with intent to control the
 23 performance of an act related to ~~his~~ **the person's** employment or
 24 function as a public servant;

25 (3) confers, offers, or agrees to confer on a person any property,
 26 except property the person is authorized by law to accept, with
 27 intent to cause that person to control the performance of an act
 28 related to the employment or function of a public servant;

29 (4) solicits, accepts, or agrees to accept any property, except
 30 property ~~he~~ **the person** is authorized by law to accept, with intent
 31 to control the performance of an act related to the employment or
 32 function of a public servant;

33 (5) confers, offers, or agrees to confer any property on a person
 34 participating or officiating in, or connected with, an athletic
 35 contest, sporting event, or exhibition, with intent that the person
 36 will fail to use ~~his~~ **the person's** best efforts in connection with
 37 that contest, event, or exhibition;

(6) being a person participating or officiating in, or connected with, an athletic contest, sporting event, or exhibition, solicits, accepts, or agrees to accept any property with intent that ~~he~~ **the person** will fail to use ~~his~~ **the person's** best efforts in connection with that contest, event, or exhibition;

(7) being a witness or informant in an official proceeding or investigation, solicits, accepts, or agrees to accept any property, with intent to:

~~(i)~~ **(A)** withhold any testimony, information, document, or thing;

~~(ii)~~ **(B)** avoid legal process summoning ~~him~~ **the person** to testify or supply evidence; or

~~(iii)~~ **(C)** absent ~~himself~~ **the person** from the proceeding or investigation to which ~~he~~ **the person** has been legally summoned; ~~or~~

(8) confers, offers, or agrees to confer any property on a witness or informant in an official proceeding or investigation, with intent that the witness or informant:

~~(i)~~ **(A)** withhold any testimony, information, document, or thing;

~~(ii)~~ **(B)** avoid legal process summoning the witness or informant to testify or supply evidence; or

~~(iii)~~ **(C)** absent ~~himself~~ **the person** from any proceeding or investigation to which the witness or informant has been legally summoned; ~~or~~

(9) confers, offers or agrees to confer any property on an individual for:

(A) casting a ballot or refraining from casting a ballot; or

(B) voting for a political party, for a candidate, or for or against a public question;

in an election described in IC 3-5-1-2, or at a convention of a political party authorized under IC 3;

commits bribery, a Class C felony.

(b) It is no defense that the person whom the accused person sought to control was not qualified to act in the desired way.

SECTION 31. [EFFECTIVE UPON PASSAGE] **(a) The definitions**

1 in IC 3-5-2 apply throughout this SECTION.

2 (b) Not later than March 31, 2004, the commission shall act
3 under IC 3-5-4-8 to prescribe absentee ballot application forms
4 that comply with IC 3-11, as amended by this act.

5 (c) This subsection does not apply to an absentee ballot
6 application form prescribed by the commission for use by an
7 absent uniformed services voter or overseas voter. An absentee
8 ballot application form prescribed by the commission before April
9 1, 2004, may not be used or accepted by a county election board
10 after March 31, 2004.

11 (d) This SECTION expires January 1, 2005.

12 SECTION 32. An emergency is declared for this act."

13 Renumber all SECTIONS consecutively.

(Reference is to HB 1151 as introduced.)

and when so amended that said bill do pass.

Representative Mahern